

FILED

OCT 17 2016

Clerk, U.S. District Court
District Of Montana
Great Falls

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID LEE SPOTTED EAGLE, JR.,

Defendant.

CR-11-87-GF-BMM-01

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter September 29, 2016. (Doc. 73.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 28, 2016. (Doc. 73 at 3.) Spotted Eagle admitted that he violated the conditions of his supervised release. The violation proves serious and warrants revocation of Spotted

Eagle's supervised release. Judge Johnston has recommended that the Court revoke Spotted Eagle's supervised release and commit Spotted Eagle to the custody of the Bureau of Prisons for six months. (Doc. 73 at 4.) Judge Johnston further has recommended that Spotted Eagle's term of custody be followed by 23 months of supervised release. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Spotted Eagle's violation of his conditions represents a serious breach of the Court's trust. A sentence of six months custody followed by 23 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 73) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant David Lee Spotted Eagle, Jr. be sentenced to six months custody followed by 23 months of supervised release. The conditions previously imposed shall be continued.

DATED this 17th day of October, 2016.

A handwritten signature in black ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris
United States District Court Judge